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HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4384 OF 2006.

Union of India & Anr. ..Petitioners.

Versus.

Digambar B. Bhat. ..Respondent.

Mrs. N. V. Masurkar for the petitioner.

Samir A. Vaidya for the respondent.

CORAM: S. B. MHASE &
R.S.MOHITE, JJ.

DATE: JUNE 26, 2007.

P.C.

1. Heard the learned counsel for the petitioner. Perused the order passed by the Central Administrative Tribunal. The Tribunal has found from the affidavit filed by the petitioner that the petitioner has alleged a series of misconduct against the respondent which was taken into consideration by the petitioner without giving opportunity of hearing and without following the procedure provided in while considering the suitability of the applicant for continuing his services. It is further revealed that the petitioner has conducted the court of enquiry prior to the order of termination. But it was not an enquiry satisfying the employer itself as to the competence of the applicant to be confirmed in services. But it was a full scale formal enquiry into the allegations involving misconduct which culminated in finding him guilty. The Tribunal has

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thereafter observed that mere form of order of termination is not sufficient to hold that the termination was not injurious and the termination order is a simplicitor in accordance with the terms of appointment.

2. All these observations are proper and justified in the facts and circumstances of the case. We, therefore, refrain to entertain the petition. Petition is dismissed.

3. Learned counsel for the petitioner prays for continuing the stay. However in the facts and circumstances of the case we are not inclined to grant the same. The prayer to that effect is rejected.

(R.S.MOHITE, J.)

(S.B.MHASE, J.)